

William Boyd #11983983  
TRCI  
82911 Beach Access Rd.  
Umatilla, OR 97882

Honorable Adrienne Nelson

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

WILLIAM S. BOYD

Plaintiff,

v.

REYES, et al,

Defendants.

Case No. 2:23-cv-01284-AN

**PLAINTIFF'S MOTION FOR SANCTIONS  
AGAINST DEFENDANT CHARLES COX**

**INTRODUCTION**

Plaintiff, William S. Boyd, pro se, respectfully moves this Court for sanctions against Defendant **Charles Cox** for engaging in **witness intimidation and improper interference** with potential witness, in violation of the **Federal Rules of Civil Procedure (FRCP) 26, 37, 45, 11, and 16**.

Cox improperly approached **Nurse Theresa Díaz**, informing her that Plaintiff intended to call her as a witness. As a **superior to Díaz** and an employee of **Naphcare**, which is also a defendant in this case, Cox's actions were coercive and **compromised the integrity of the judicial process**. This conduct is further exacerbated by the fact that Cox learned of Plaintiff's legal strategy from **defense counsel**, raising serious ethical concerns regarding **improper disclosure of privileged litigation information**.

Given the seriousness of these violations, **Plaintiff requests that this Court impose appropriate SANCTIONS**, including, but not limited to:

1. **Monetary sanctions** against Cox for interfering with a witness.
2. **An order prohibiting Cox from further contact with Diaz** regarding this litigation.
3. **Potential disciplinary referral to the Oregon State Bar** for ethical violations by defense counsel.

While no subpoena has yet been issued, Cox's intimidation of Diaz constitutes a clear attempt to prevent her from testifying freely, violating the principles of witness protection under rule 45.

I. **LEGAL STANDARD FOR SANCTIONS**

Federal courts have authority to sanction **litigants and attorneys** for conduct that undermines the **judicial process**. The following FRCP provisions apply to Cox's misconduct:

1. **FRCP 26(b)(3)—Improper Disclosure of Work Product**

- This rule protects attorney work product, including **litigation strategy** and the identity of **witnesses Plaintiff intends to call**.
- **Defense counsel improperly disclosed** to Cox that Nurse Diaz would be a witness, violating this protection.

2. **FRCP 37(b)—Sanctions for Discovery Misconduct**

- Cox's intimidation of Diaz obstructs the discovery process, justifying sanctions under Rule 37.
- 3. **FRCP 45(d)(3) – Witness Protection from Undue Burden or Harassment**
  - This rule allows courts to quash or modify a subpoena if a witness is being intimidated.
  - Cox's intimidation of Diaz discourages her from testifying truthfully, violating the spirit of Rule 45.
- 4. **FRCP 11(b) & (c) – Sanctions for Improper Conduct**
  - Cox's actions constitute harassment and an attempt to interfere with fair proceedings, warranting sanctions.
- 5. **FRCP 16(f) – Sanctions for Pretrial Misconduct**
  - Cox's interference has disrupted the litigation process, justifying court intervention.

## II. FACTUAL BACKGROUND

1. **Defense Counsel Disclosed Plaintiff's Legal Strategy to Cox**
  - Cox was informed by defense attorneys that Plaintiff intended to call Nurse Thera Diaz as a witness.
  - This constitutes improper disclosure of litigation strategy and violates Plaintiff's work-product protection under Rule 26(b)(3).
2. **Cox Approached Nurse Diaz, Attempting to Influence Her Testimony**
  - Without Plaintiff ever speaking to Diaz about the lawsuit, Cox confronted her about Plaintiff's intention to call her as a witness.
  - Nurse Diaz expressed fear and concern, citing Cox's authority over her as her immediate supervisor and her employment with NaphCare, which Plaintiff is also suing.
  - This constitutes coercion and undue influence over a material witness.
3. **Cox's Conduct Compromises the Integrity of the Judicial Process**
  - Cox's intentional efforts to dissuade Diaz from testifying interfere with Plaintiff's ability to present evidence.
  - This is textbook witness tampering and violates both ethical standards and the Federal Rules of Civil Procedure.

## III. ARGUMENT: SANCTIONS ARE WARRANTED AGAINST COX

### A. Cox's Conduct Violates FRCP 26(b)(3) by Exploiting Privileged Litigation Information

- Plaintiff never informed Nurse Diaz that she would be called as a witness—all information came from Cox.
- Defense counsel improperly disclosed Plaintiff's legal strategy to Cox, violating Rule 26(b)(3)'s work-product protection.

### B. Cox's Actions Constitute Witness Intimidation Under FRCP 45(d)(3)

- Cox's position of authority over Diaz makes his interaction inherently coercive.
- Witness intimidation has been found to justify sanctions in similar cases (*Gomez v. Vernon*, 255 F.3d 1118, 1134 (9th Cir. 2001)).

### C. Cox's Conduct Warrants Sanctions Under FRCP 37(b) for Interference with Discovery

- Rule 37 allows sanctions for **obstructing discovery or interfering with court processes**.
- By **detering a witness from testifying truthfully**, Cox has **directly interfered with the discovery process**, warranting **strong sanctions**.

#### **D. Cox's Conduct Violates FRCP 11(b) and (c), Warranting Monetary and Corrective Sanctions**

- Cox's **actions were taken in bad faith** and for the **improper purpose of influencing witness testimony**.
- Courts have **imposed monetary sanctions and disqualification orders** for similar misconduct (*Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991)).

#### **E. FRCP 16(f) Justifies Sanctions for Pretrial Misconduct That Disrupts the Case**

- Cox's conduct **disrupts the discovery and trial process**, meeting the standard for **Rule 16(f) sanctions**.

### **IV. REQUESTED SANCTIONS**

Based on the foregoing, Plaintiff respectfully requests that the Court:

1. **Issue monetary sanctions against Cox for improperly interfering with a witness.**
2. **Order Cox to refrain from any further communication with Nurse Diaz regarding this case.**
3. **Order defense counsel to disclose the extent of their communication with Cox regarding Plaintiff's litigation strategy.**
4. **Refer the matter for possible disciplinary review regarding the ethical breach in disclosing Plaintiff's witness list to Cox.**
5. **Grant any other relief the Court deems appropriate to preserve the integrity of this litigation.**


### **V. CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that this Court **impose sanctions against Defendant Charles Cox for engaging in improper witness intimidation and interfering with the judicial process.**

**Respectfully submitted,**

**William S. Boyd, Pro Se**  
SID# 11983983  
Two Rivers Correctional Institution  
82911 Beach Access Road  
Umatilla, OR 97882

**Dated:** ~~02/28/25~~  
2-28-25

  
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